

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHIGAN URGENT CARE &  
PRIMARY CARE PHYSICIANS, P.C.,

Plaintiffs,  
v.  
AETNAHEALTH, INC.,  
Defendant.

Case Number 15-13156  
Honorable David M. Lawson

**ORDER GRANTING IN PART REQUEST TO STAY AND GRANTING  
IN PART MOTION TO ALLOW DISCOVERY AND DELAY BRIEFING**

This matter is before the Court on the plaintiffs' motion for leave to conduct discovery and to defer briefing on their motion to certify class. Also before the Court is the defendant's request, which was included as part of its presently pending motion to dismiss, to stay all proceedings in the case pending the decision of the United States Supreme Court in *Campbell-Ewald Company v. Gomez*, No. 14-857 (cert. granted May 18, 2015). The Court heard oral argument on December 2, 2015. At the end of the hearing the Court announced from the bench its decision to grant in part and deny in part the parties' respective requests.

Accordingly it is **ORDERED** that the defendant's request to stay proceedings is **GRANTED IN PART**, and the plaintiffs' motion to conduct discovery and to delay briefing on their class certification motion [dkt. #23] is **GRANTED IN PART**.

It is further **ORDERED** that all discovery in the matter is **STAYED** until **February 3, 2016**, with the following exceptions. The defendant must inform the plaintiffs, **on or before December 16, 2015**, what third-party vendor or vendors, if any, were employed by the defendant to send the facsimile transmissions that were similar to the specimen attached to the complaint as Exhibit A.

The defendant also forthwith must notify any such entity or entities to place a litigation hold on all information in their possession, custody, or control that may be subject to discovery in this matter. Deadlines for any supplemental briefing that the Court may allow in relation to the plaintiffs' motion to certify class will be discussed at the case management and scheduling conference. The plaintiffs' motion for leave to conduct discovery is **DENIED** in all other respects.

It is further **ORDERED** that the case management conference is **ADJOURNED** to

**February 3, 2016 at 3:00 p.m.**

s/David M. Lawson \_\_\_\_\_  
DAVID M. LAWSON  
United States District Judge

Dated: December 2, 2015

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 2, 2015.

s/Susan Pinkowski \_\_\_\_\_  
SUSAN PINKOWSKI